

### § 947.133

### 7 CFR Ch. IX (1–1–11 Edition)

where the potatoes are to be consumed, the anticipated quantity of potatoes to be so handled, the total acreage from which the feed will be derived and the approximate starting and ending dates for such shipments.

(2) Any person handling potatoes for this purpose shall record and report the volume handled at such intervals as the committee may prescribe.

[39 FR 2270, Jan. 18, 1974, as amended at 56 FR 55986, Oct. 31, 1991]

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.132 was suspended indefinitely, effective July 1, 2000.

#### § 947.133 Denial and appeals.

(a) The committee may suspend a handler's Special Purpose Certificate for a period of 30 days for failure to report as required by § 947.132.

(1) A handler who has had two or more certificates suspended or his certificate suspended twice within the preceding two year period may be refused a Special Purpose Certificate. The committee also may revoke for a period of up to one year the Special Purpose Certificate of any handler who has had his certificate suspended twice within a marketing season.

(2) [Reserved]

(b) Upon refusal, suspension or revocation of a Special Purpose Certificate, the handler may make a written appeal for reconsideration of the decision to the committee. The Chairman shall direct that the committee immediately reconsider the action.

[39 FR 2270, Jan. 18, 1974]

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.133 was suspended indefinitely, effective July 1, 2000.

#### § 947.134 Establishment of list of manufacturers of potato products.

(a) The committee shall establish and maintain in its office a list of firms who are manufacturers of potato products handled pursuant to § 947.54(a)(5)–(7) inclusive. Such list may consist of firms actively engaged in the business of canning, freezing, or “other processing” as defined in the act; or prepeeling as described in § 52.2422 United States Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(b) Persons who wish to be placed on the committee's list of manufacturers of potato products may apply to the committee and shall supply the following information:

(1) Name and address of applicant;

(2) Location and description of facilities for commercial processing of potatoes into products;

(3) Expected source of potatoes for commercial processing into products;

(4) Certification to the Secretary that potatoes received for processing will not be diverted to the fresh market,

(5) Such other information as the committee, with the approval of the Secretary, may deem necessary.

Upon receipt of an application for such listing, the Oregon-California Potato Committee shall make such investigation as it deems necessary, and if it appears that the applicant may reasonably be expected to use potatoes covered by the application in accordance with and to comply with the requirements of this section, it shall place the person's name on the Oregon-California Potato Committee's list of manufacturers of potato products.

(c) If shipment is to a person whose name is not on the committee's list of manufacturers, the handler must provide evidence to the committee prior to shipment that the potatoes will be used only for processing into products. Further, he shall submit reports as prescribed by the committee and approved by the Secretary.

(d) The committee may remove from the list of manufacturers of potato products the name of any person who fails to comply with the safeguard requirements of this part.

[39 FR 2271, Jan. 18, 1974, as amended at 39 FR 31880, Sept. 3, 1974]

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.134 was suspended indefinitely, effective July 1, 2000.

#### § 947.141 Late payment and interest charges.

The committee shall impose a late payment charge on any handler who fails to pay his or her assessment within thirty (30) days of the billing date shown on the handler's assessment statement received from the committee. The late payment charge shall,